

*REMARKS/ARGUMENTS**Pending Claims*

Claims 6, 8, 9 and 10 are pending in this application. Applicants respectfully submit that independent claim 6 (directed to a method of responding to an information request) and independent claim 9 (directed to a system for responding to an information request), as well as dependent claims 8 and 10 depending therefrom, are patentable over the cited references. Applicants traverse all rejections and request reconsideration in view of the following remarks, and the telephonic interview of June 25, 2009.

Priority under 35 U.S.C. §119

Applicants note that the Office Action of May 2, 2006 indicates that none of the certified copies or copies of the certified copies of the priority documents has been received. The Claim of Priority along with the certified copy of the priority document was filed on September 9, 2004. A copy of the Claim along with the postcard stamped received by the Office are enclosed. Applicants further note that both prior Office Actions, mailed March 21 and September 8, 2005, indicate that all priority documents have been received. Though incorrectly categorized as Prior Art in PAIR, PAIR includes an entry dated September 14, 2004 "Certified Copy of Foreign Priority Application." Accordingly, Applicants request that the next Office communication correct what appears to be a typographical error in the current Office Action.

Rejections under 35 U.S.C. §102(b)

The Office Action rejected claims 6 and 9 under 35 U.S. C. §102(b) as anticipated by Reed, Michael G. *et al.* ("Proxies for Anonymous Routing"). Two independent claims are pending in this application, claim 6 being directed to a method and claim 9 being directed to a system. Claim 9 reflects the same structure set forth in claim 6. Accordingly, while Applicants comments below are addressed to claim 6, it is submitted that the comments are equally applied to claim 9. In the interests of brevity, however, the following discussion does not reference claim 9 throughout. The Reed reference simply does not disclose or teach a number of the steps or elements of claims 6 and 9. Accordingly, Applicants submit that all pending claims are neither anticipated nor rendered obvious by the cited art.

Claim 6 includes the following step:

at a first of said processing nodes, performing analysis of the information request stored on the request object to determine whether the first processing node is able to process the information request and generate at least part of a response data which is responsive to said information request, and adding a routing layer to the request object containing routing information relating to a next stage in processing of the request object whilst leaving said at least one layer of the request object intact and undisturbed, said first processing node determining the routing information contained in the routing layer in dependence upon only the request object content

The Office Action alleges that the Reed reference discloses this step, asserting that "Reed teaches how the onion routers handle (process) packets and add layers to rout the packets, section 5.1, Reed." (Office Action, p. 3.) The Examiner further stated in the interview summary that Reed teaches a form of encapsulation of data packets (for the purpose of routing a packet payload). Applicants respectfully disagree. Even if this routing in Reed might be argued to correspond to the method step of "adding a routing layer," however, the passage in the claim requires that it BOTH perform analysis AND add a routing layer. Applicants submit that the same routing task in Reed cannot simultaneously satisfy the analysis step and the routing step.

Furthermore, the substeps of the analysis step in the identified passage of claim 6 have no analogous counterparts in the Reed reference, and Applicants request further clarification in this regard if the Office maintains this rejection. Applicants submit that the Reed reference appears not to even suggest or appreciate the need for a substep of determining ability of the node to process inasmuch as Reed relates to routing and routing alone. Moreover, there is no obvious analog for the substep of determining ability of the node to generate at least a part of a response data; Applicants note with regard to the Reed reference that there is no need to determine whether a node is able to generate a response if there is nothing that can be considered to constitute a response.

A second important difference between the Reed reference and the claimed method lies in the nature of the result of the operation of the method in the independent claims - a request goes out to a number of different nodes in response to which at least one of the nodes

processes the request and generates response data in the request object. As set forth in claim 6,

transmitting the request object over a distributed network comprising a plurality of processing nodes;
at a first of said processing nodes, performing analysis of the information request stored on the request object to determine whether the first processing node is able to process the information request and generate at least part of a response data which is responsive to said information request[.]

This is called variously an "asynchronous request" and a "request which may not be satisfied within a single session or by a single information provider" in the specification of the pending application. As explained in the specification, in one exemplary embodiment, Applicants could use XML to generate a structured form for encapsulating information from different sources. The Reed reference does not have this result "in scope" – rather, it is concerned with the minutiae of ensuring that a data payload is delivered securely. In the Reed reference, the connections between nodes are anonymised, replacing TCP/IP socket connections. To stretch the teachings of Reed by analogy so that a basic routing technique covers the handling of "asynchronous requests" would be merely hindsight reconstruction in view of the teachings of the present application.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that the Reed reference does not anticipate claims 6 or 9. Nor does the Reed reference render obvious claims 6 or 9 as further explained above. One of skill in the art simply would not attempt to provide the system as set forth in the pending claims and disclosed in the pending application knowing what is available to him from Reed.

Rejections under 35 U.S.C. §103(a)

The Office Action rejected claims 8 and 10 under 35 U.S. C. §103(a) as obvious over the Reed reference. As explained above, however, the Reed reference does not satisfy or render obvious the limitations of claims 6 and 9, from which claims 8 and 10 depend, respectively. Accordingly, the rejections of claims 8 and 10 must likewise fall.


Insofar as the Office Action takes "Official notice [] that [it] would have been obvious to one skilled in the art, to have client-specific information such as device and user information, to enable for the proper identification, routing and processing packets",

Applicants submit that it is permissible to take official notice only “where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionably demonstration as being well-known.” (M.P.E.P. § 2144.03A.) As such it is not proper to take official notice of obviousness. Accordingly, Applicants traverse the rejection and request that it be withdrawn or evidentiary support provided for the same.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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